



NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of Giannozzi et. al. :
Application No. 10/526,124 :
Filing Date: October 16, 2006 :
Attorney Docket No. PAT051721-US-PCT :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2010, to revive the application.

The petition is **granted**.

The application became abandoned for failure to reply in a proper manner to the final Office action issued September 4, 2009, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the application became abandoned on December 5, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the final Office action in the form of a request for continued examination. Petitioner has submitted the required petition fee of \$1620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition was accompanied by a payment of \$1110 for a three (3) month extension of time. Payment for extension of time is not required when reviving an application and has been credited back to deposit account 03-1664.

Technology Center Art Unit 1623 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Steven Brantley at (571) 272-3203 or in his absence to Amy Gandhi at (571) 272-6699.

A handwritten signature in black ink, appearing to read 'Charles Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions